

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated October 26, 2006 (hereinafter Office Action) have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

With respect to the objection to the Abstract, Applicant has deleted the second paragraph. The Abstract has also been amended to remove the reference numerals and complete the first sentence. None of these changes introduces new matter, and they are believed to overcome the objection to the Specification. Applicant accordingly requests that the objection be removed.

With respect to the objection to Claims 5 and 18-20, Applicant has amended each of the claims to correct the typographical error as suggested by the Examiner. Thus, Applicant requests that the objection to these claims be removed.

Applicant respectfully traverses each of the prior art rejections (§§102(b) and 103(a)) based upon the teachings of U.S. Patent No. 6,369,802 to Ebisawa (hereinafter "Ebisawa") because Ebisawa does not teach or suggest each of the claimed limitations. For example, Ebisawa does not teach interpreting a symbol created in an enlarged contact area for symbol creation, as claimed. In contrast, the cited portion of Ebisawa teaches that the reference frame of an already-entered character is enlarged and character recognition is again carried out. Ebisawa indicates at column 10, line 33 *et seq.* that the operation described in Fig. 14 (which includes performing at least two character recognitions, one with a standard reference frame and the second with an enlarged reference frame) is performed each time data for one character is input. The character is created in the standard reference frame (asserted as corresponding to the claimed contact area), and the reference frame is only enlarged after the character has been input. Thus, the character located in Ebisawa's enlarged reference frame was not created in an enlarged contact area, as claimed. Also, Ebisawa teaches that character recognition is carried out using multiple character frames and a reference frame to determine candidate characters so that the correct candidate may be selected and entered. *See, e.g.*, column 7, lines 4-22. Thus, the character in Ebisawa's enlarged reference frame is not necessarily interpreted for symbol creation, as

claimed. Without a presentation of correspondence to each of the claimed limitations, the prior art rejections are improper.

With particular respect to the §102(b) rejection, Applicant notes that to anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the patent claim; *i.e.* every element of the claimed invention must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. §102. Applicant respectfully submits that Ebisawa does not teach every element of independent Claims 1 and 13 in the requisite detail, and therefore fails to anticipate Claims 1-2, 4-5, 8-14, 17-18 and 21-28.

In an effort to facilitate prosecution and without acquiescing to characterizations of the asserted art, Applicant’s claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant’s claimed subject matter, Applicant has amended the independent claims to include limitations previously present in dependent Claims 8, 11, 21 and 24. As these limitations were previously presented in dependent claims of the application, the changes do not introduce new matter. Further support for the changes may also be found in the Specification, for example, at paragraphs [0019] and [0023]. Each of the pending claims is believed to be patentable over the asserted references for the additional reasons set forth below.

Contrary to the Examiner’s assertions, Ebisawa does not teach the limitations previously set forth in dependent Claims 8, 11, 21 and 24. For example, Ebisawa does not teach giving a signal at the start of symbol creation. The relied-upon portion of Ebisawa merely teaches that a CPU determines whether a pen has approached the tablet. *See, e.g.*, Fig. 5 step B1 and column 5, lines 8-14. There is no indication that symbol creation has started or that a signal is given in response to symbol creation starting. Moreover, Ebisawa

does not teach that a signal is given to indicate that a touch for symbol creation remains on an enlarged contact area.

Further, the cited portion at column 5, lines 5-20, does not teach interrupting a signal if a touch moves outside an enlarged contact area, as claimed. In contrast, the cited portion of Ebisawa teaches that prior to accepting any symbols the CPU determines whether a detection alarm flag is ON or OFF. The alarm flag is ON if the appropriate preprocesses (*e.g.*, processes required before any handwriting is accepted) have not been completed. At column 5, lines 34-35, Ebisawa specifically teaches that, “No alarm tone is generated if the above-described preprocesses have been complete.” Thus, Ebisawa teaches that any alarm that is generated would be done before any handwriting data is accepted by the tablet; therefore, the relied-upon alarm function cannot correspond to the claimed signaling during symbol creation. Without a presentation of correspondence to each of the claimed limitations, in the requisite detail, the §102 rejection is improper. Applicant accordingly requests that the rejection be withdrawn.

Dependent Claims 2, 4, 5, 8-12, 14, 17, 18 and 21-28 depend from independent Claims 1 and 13, respectively and also stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Ebisawa. While Applicant does not acquiesce with the particular rejections to these dependent claims, the rejection is also improper for the reasons discussed above in connection with independent Claims 1 and 13. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited reference. Therefore, the rejection of dependent Claims 2, 4, 5, 8-12, 14, 17, 18 and 21-28 is improper.

With respect to the §103(a) rejections of various dependent claims, Applicant respectfully traverses because the asserted references, alone or in combination, do not teach or suggest each of the claimed limitations. As discussed above, Ebisawa does not teach or suggest each of the purported limitations of the independent claims, and the teachings of Okamoto do not overcome the above-discussed deficiencies. As each of the rejected dependent claims depends from the above-discussed independent claims, the asserted modifications of Ebisawa would also fail to teach or suggest each of the limitations of the

rejected dependent claims. Applicant accordingly requests that each of the §103(a) rejections be withdrawn.

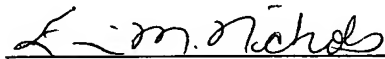
It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.041PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: January 26, 2007

By: 

Erin M. Nichols
Reg. No. 57,125